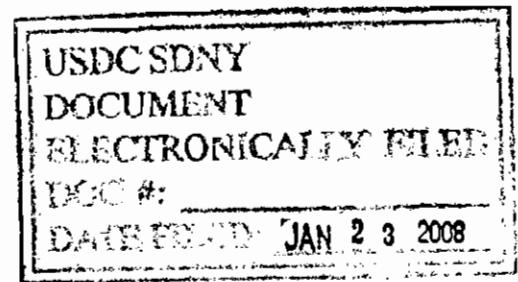




THE CITY OF NEW YORK
LAW DEPARTMENT
 100 CHURCH STREET
 NEW YORK, NY 10007

MICHAEL A. CARDOZO
 Corporation Counsel



JOHANA V. CASTRO
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January 22, 2008

BY FAX

(212) 805-0426
 Honorable Laura T. Swain
 United States District Judge
 Southern District of New York
 500 Pearl Street
 New York, NY 10007

MEMO ENDORSED

IT IS ORDERED that counsel to whom this Memo Endorsement is sent is responsible for faxing or otherwise delivering promptly a copy to all counsel to the represented parties and filing a certificate of service within 5 days from the date hereof. Do not file this document.

Re: Shamel King v. City of New York et al., 08 CV 0006 (LTS)

Dear Judge Swain:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and attorney for defendant City of New York ("City"). I am writing to respectfully request a sixty (60) day enlargement of time from January 22, 2008 until March 24, 2008, within which the City may answer or otherwise respond to the complaint. The undersigned attempted to contact plaintiff's counsel, Izabel Garcia, Esq. to obtain her consent to this request, but was unable to reach her today. This is the City's first request for an enlargement of time in this action.

The complaint alleges, *inter alia*, that plaintiff was falsely arrested and subjected to an illegal search. In addition to the City of New York, plaintiff purports to name Police Officer DeMarco and Police Officer O'Malley as defendants¹. Before this office can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case.

¹ On information and belief, the individuals identified in the caption of the complaint as "Police Officer Demarco" and "Police Officer O'Malley" have not been served with the summons and complaint in this action. Without appearing on their behalf, it is respectfully requested that, if

Continued...

Copies ~~mailed~~/faxed to
 members of Judge Swain

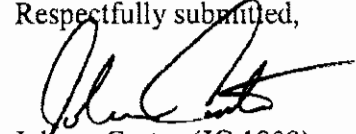
Deft's Counsel
 1-23-08

An enlargement of time will give this office the opportunity to investigate the allegations of the complaint in accordance with our obligations under Rule 11 of the Federal Rules of Civil Procedure. Currently, this office has forwarded to the plaintiff for execution a consent and authorization for the release of records that may have been sealed pursuant to New York Criminal Procedure Law § 160.50. This executed release is necessary for our office to obtain the records pertaining to plaintiff's underlying arrest.

In view of the foregoing, it is respectfully requested that defendant City's time to respond to the complaint be extended to March 24, 2008.

Thank you for your consideration in this regard.


Respectfully submitted,


Johana Castro (JC 1809)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: BY FAX
(718) 624-4748
Izabel Olszowa Garcia, Esq.
Attorney for Plaintiff
26 Court Street, Suite 1815
Brooklyn, NY 11242

The requested extension is granted through February 8, 2008, without prejudice to a further extension request on appropriate prior notice to Plaintiff's counsel.

SO ORDERED.

 1/22/2008
LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

they have been served, the same extension be granted to them in order to ensure that their defenses are not jeopardized while representation issues are being decided.